

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

LARRY W. HADDEN,

Plaintiff,

v.

DEVENISH NUTRITION, LLC, and/or A.B.C.
that Foreign Limited Liability Company,
Corporation, individual partnership, foreign
non-profit corporation, and profit corporation
doing business as the same on January 5, 2021,
at 148 Vigortone Road, Thomson, GA 300824,

First Defendant,

and

A.B.C. That Foreign Limited Liability Company,
Corporation, individual partnership, foreign
non-profit corporation, and profit corporation
doing business as the same on January 5, 2021,
acting as the manager of **Devenish Nutrition,**
LLC at 148 Vigortone Road, Thomson, GA 30824,

Second Defendant,

CIVIL ACTION FILE
NO. CV 122-022

PETITION FOR REMOVAL

COMES NOW Defendant Devenish Nutrition, LLC (“Defendant”), by and through counsel, and pursuant to 28 U.S.C. § 1446 and 28 U.S.C. § 1332, hereby removes the above-styled action from the Superior Court of McDuffie County, Georgia based on the following grounds:

1.

On or about January 21, 2022, Plaintiff Larry W. Hadden filed suit against the above-named Defendant in the Superior Court of McDuffie County, Georgia, Civil Action File Number

22CV0027. A copy of all process, pleadings and orders filed in this action are attached hereto as Exhibit “A.”

2.

By information and belief, Plaintiff is a citizen of Georgia.

3.

Defendant is a citizen of Minnesota as its members are both from Minnesota. Defendant’s Certificate of Authority is attached hereto as Exhibit “B.”

4.

Per correspondence with Plaintiff’s counsel, the amount in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs. Correspondence with Plaintiff is attached hereto as Exhibit “C.”

5.

As such, Defendants may remove this action to this Court pursuant to 28 U.S.C. § 1332(a)(1) as there is complete diversity between Plaintiff and Defendant.

6.

Defendant consents to this removal.

7.

This petition for removal is filed within 30 days of the Defendant’s receipt of the complaint and is timely pursuant to 28 U.S.C. § 1446(b)(3).

8.

Pursuant to 28 U.S.C. § 90(c)(1), the United States District Court for the Southern District of Georgia, Augusta Division, is the district court having jurisdiction over the geographical area where the state court action is pending. Pursuant to 28 U.S.C. § 1446(a), the defendant is entitled

to remove this action from the Superior Court of McDuffie County to this Court.

9.

Defendant has given written notice of the filing of this notice to plaintiff and the Clerk of the Superior Court of McDuffie County, a copy of which is attached hereto as Exhibit “D.”

10.

The undersigned have read this notice of removal, and to the best of the undersigned’s knowledge, information, and belief, formed after reasonable inquiry, it is well grounded in fact; is warranted by existing law or an extension or modification of existing law; and is not interposed for any improper purposes, such as to harass or cause unnecessary delay or needless increase in the cost of this litigation.

11.

Based on the foregoing, these defendants request that this Court allow the requested removal and assert jurisdiction over the state court action.

This 23rd day of February, 2022.

FREEMAN MATHIS & GARY, LLP

/s/ Marc H. Bardack
MARC H. BARDACK
Georgia Bar No. 037126

*Attorneys for Defendant Devenish Nutrition,
LLC*

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CERTIFICATE OF SERVICE

I hereby certify that I have this day electronically submitted the foregoing PETITION FOR REMOVAL to the Clerk of Court using the CM/ECF system which will automatically send electronic mail notification of such filing to counsel of record who are CM/ECF participants and mailed by United States Postal Service, first-class, postage prepaid, a paper copy of the same document to counsel of record who are non-CM/ECF participants. Counsel of record is:

Reid Sanders, Esq.
Hawk Law Group
338 Telfair Street
Augusta, GA 30901
rsanders@hawklawgroup.com

This 23rd day of February, 2022.

FREEMAN MATHIS & GARY, LLP

/s/ *Marc H. Bardack*
MARC H. BARDACK
Georgia Bar No. 037126

*Attorneys for Defendant Devenish Nutrition,
LLC*

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